

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JACK ORLANDO JOHNSON,

Plaintiff,

v.

TORRES,

Defendant.

Case No. 1:22-cv-01457-JLT-BAM (PC)

ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S MOTION
FOR COPY OF STIPULATION
(ECF No. 33)

ORDER DIRECTING CLERK OF COURT TO
RE-SERVE MINUTES FOR JULY 25, 2023
SETTLEMENT CONFERENCE
(ECF No. 30)

Plaintiff Jack Orlando Johnson ("Plaintiff") is a state prisoner who proceeded *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On July 25, 2023, a settlement conference was held and the parties reached a settlement agreement. (ECF No. 30.) The settlement terms were placed on the record at the end of the settlement conference. (*Id.*) On August 2, 2023, a stipulation for voluntary dismissal of this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), signed and dated by Plaintiff and counsel for Defendant, was filed with the Court. (ECF No. 31.) Pursuant to that stipulation, the action was terminated by operation of law without further order of the Court, and the case was closed. (ECF No. 32.)

Currently before the Court is Plaintiff's motion for a copy of the stipulation, filed August 14, 2023. (ECF No. 33.) Plaintiff states that he is allowed one free copy of the proceeding of the July 25, 2023, 9:30 a.m. settlement conference. Plaintiff states that he never received his copy and is requesting some kind of minutes in regards to the settlement conference. (*Id.*)

Although Defendant has not had an opportunity to respond to Plaintiff's motion, the Court finds a response unnecessary. The motion is deemed submitted. Local Rule 230(l).

Plaintiff is informed that the minutes entered for the July 25, 2023 settlement conference were served on him by mail on July 25, 2023. (ECF No. 30.) As it appears Plaintiff did not receive those minutes, the Court will direct the Clerk of the Court to re-serve that document.

However, if Plaintiff is requesting a transcript of the actual settlement conference proceedings, Plaintiff is informed that as far as the Court is aware, the settlement discussions were not recorded, and no transcript exists for those discussions. If Plaintiff wishes to order a transcript of the settlement terms that were placed on the record at the end of the settlement conference, he may submit a Transcript Order Form (CAED 435) and is required to pay any necessary fees for preparation of that transcript, even though he is proceeding *in forma pauperis* in this action.

If Plaintiff is seeking a written copy of the settlement terms as prepared by Defendant, Plaintiff should contact defense counsel. The Court is not in possession of those documents.

Accordingly, IT IS HEREBY ORDERED as follows:

1. Plaintiff's motion for copy of stipulation, (ECF No. 33), is GRANTED IN PART and DENIED IN PART, as discussed above;
 2. The Clerk of the Court is DIRECTED to serve on Plaintiff:
 - a. A copy of the minutes for the July 25, 2023 settlement conference, (ECF No. 30);
and
 - b. A Transcript Order Form, including instructions (CAED 435); and
 3. This action remains closed.

IT IS SO ORDERED.

Dated: **August 22, 2023**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE